



**ఆంధ్రప్రదేశ్ రాజపత్రము**  
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**PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,**

**CHIEF EXECUTIVE OFFICER,  
A. P. STATE WAQF BOARD  
VIJAYAWADA.**

**F.No. 03 / M / KNL / 2018 / Z-IV.**

**Date: 10-05-2022.**

NANDYAL DISTRICT - ASAR-E-SHAREEF AND ITS ATTACHED PROPERTIES  
SITUATED AT PANYAM VILLAGE & MANDAL - Sri MIRZA KHADER BAIG.  
S/o RUSTUM BIAG RECOGNIZED AS MUTAWALLI U/SEC.42 OF THE  
WAQF ACT, 1995.

- Read : 1. Representation of Sri Mirza Khadar Baig, S/o late M.Rustum Baig,  
dated. 09-04-2018.  
2. This office Memo of even No., dated:11-04-2018, 26-04-2018.  
3. Report of the I.A. Waqf, Kurnool District, Lr No. 08/KNL/Towliath/2018,  
dated:12-04-2018 & 26-04-2018.  
4. This office U.O. Note of even No., dated:31-05-2018 addressed to the  
Supdt., Legal Section, APSWB.  
5. This office U.O. Note of even No., dated:31-05-2018 addressed to the  
Supdt., Protection Section, APSWB  
6. This Office paper notification of even No., dated:02-07-2018.  
7. Objection petition received from Sri.Masum Baig and (8) others of  
Asar-e-Shareef Committee, dated:13-07-2018.  
8. Objection petition received from Sri M. Farhatulla Baig and (8) others,  
dated:19-07-2018.  
9. Report of the I.A.Waqf, Kurnool District, Lr No.08/KNL/Towliath/2018,  
dated:20-07-2018, along with objection petition of Sri.S.A.Raheem,  
Dated.16-07-2018.

10. Objection petition of Sri. M.Farhatulla Baig, Mahaboob Baig, dated: 20-07-2018 & 29-07-2018
11. Objection petition of Sri. M.Imran Baig and Sri. M.Jafar Ali of Kurnool dated: 29-07-2018.
12. Boards proceedings in F.No.03/M/KNL/2018/Z-IV, dated:20-09-2018
13. Report of Sri.K.Nazeer Ahmed Khan, Enquiry Officer, APSWB, dated:27-02-2019.
14. Board's Resolution No.183 of 2022, dated:22-03-2022.
15. Board's Resolution No.242 of 2022, dated:12-04-2022.
16. Orders of the Hon'ble Chairperson, APSWB, dated.27-04-2022.

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### **ORDER:**

The Waqf institution namely Asar-e-Sharif situated at Panyam Village and Mandal, of Kurnool District is having attached landed property in Sy.No.1/1 to an extent of Ac.3.49 cts, Sy.No.1/2 to an extent of Ac.4.46 cts, Sy.No. 1/3 to an extent of Ac.14.05 cts, Sy.No. 3 to an extent of Ac.10.18 cts, Sy.No. 604 to an extent of Ac.8.25 cts, Sy.No.607 to an extent of Ac.6.95 cts, Sy No.609 to an extent of Ac.221.55 cts, Sy.No 612 to an extent of Ac.207.85 cts, Sy.No.621 to an extent of Ac.194.60 cts, and Sy.No. 630 to an extent of Ac.3.88 cts are notified Waqf and got published in A.P. Gazette No.43-A, Part-II, dated: 24-10-1963 at serial No.3384, under the Towliath of 1.Sri. M. Shamsheer Baig, 2.Sri.Sardar Baig, 3.Sri. Rustum Baig, 4.Dowlath Baig, 5.Sri.Jivan Baig, 6.Sri. Sardar Baig of Rasoolpet. The rule of Succession to the office of Mutawalli is hereditary and the notified Mutawallis were died long back.

In the ref.1<sup>st</sup> read above Sri Mirza Khadar Baig, S/o. late M.Rustum Baig has submitted a representation to this office, has informed that he has legal heir of one of the notified Mutawalli of the subject institution and request to appoint him as Mutawalli Waqf institution and its attached properties in place of his father late Rusthum Baig and the this office has issued memo to Inspector Auditor Waqf, Kurnool District for submit detail report in the matter vide ref.2<sup>nd</sup> read above..

In the ref. 3<sup>rd</sup> read, the Inspector-Auditor, Waqf, Kurnool District has reported that the Board has constituted a managing committee to the subject Waqf institution for a period of two (2) years vide proceedings No.24/K/KNL/2016/Z-IV, dated:27-04-2016 & 12-12-2017. The term of the managing committee expired on dated: 26-04-2018. The applicant Sri Mirza Khadar Baig is the son of Rustum Baig, who is notified Mutawalli and the most of the attached Waqf lands of the subject institution is under encroachment.

Sri Md. Sharfuddin, Advocate, dt.19-04-2018 has submitted withdrawal letter on behalf of the petitioners, dated:19-04-2018 in case No. W.P.No.32090/2017 and the same was forwarded to the Supdt., Legal Section, APSWB vide ref. 4<sup>th</sup> cited with a request to take further course of action.

This office has issued U.O Note to Superintend and Protection Section vide ref. 5<sup>th</sup> cited with a request to issue notice U/sec. 54(1) of Waqf Act, 1995 to the encroachers of the subject institution.

In the ref. 6<sup>th</sup> read above, paper notification was issued for appointment of Sri Mirza Khadar Baig, S/o. late M.Rustum Baig as Muthawalli to Asar-e-Sharif situated at Panyam Village and Mandal of Kurnool District duly calling claims / objections if any within a period of (15) days from date of publication of notification along with documentary evidence.

This office has been received several objection petitions vide ref. 7<sup>th</sup>, 8<sup>th</sup> 10<sup>th</sup> and 11<sup>th</sup> read above against the notification for appointment of. Sri Mirza Khadar Baig, S/o. late M.Rustum Baig as Mutawalli to Asar-e-Shareef situated at Panyam (V & M), of Kurnool District

In the ref. 9<sup>th</sup> read, the Inspector Auditor Waqf, Kurnool District has reported that paper notification has been published in Andhra Prabha Telugu daily District edition of Kurnool District on 05-07-2018 and he further reported that he also received objection petition from Sri. S.A.Raheem, dated:16-07-2018 along with documents against for appointment of Muthawalli to the subject institution.

In the ref. 12<sup>th</sup> read above, the Board has appointed to Sri. Nazeer Amed Khan, Executive Officer, APSWB as Enquiry Officer to conduct a detailed enquiry U/Sec.71 of the Waqf Act.1995, on claims and objection for appointment Muthawalli in respect of Asar-e-Sharif situated at Panyam Village and Mandal, Kurnool District.

Accordingly, the enquiry officer has conducted detailed enquiry and submitted his enquiry finding vide ref.13<sup>th</sup> read above and recommended the candidature of Sri Mirza Khader Baig, S/o. Rustum Baig for appointment of Mutawalli of Asar-e-Shareef Panyam (V&M) Kurnool District is quite justified and reasonable and his claim can be considered as per the rule of hereditary by succession as he is entitled to the post of Mutawalliship of Asar-e-Shareef Panyam (V&M) Kurnool District Under section 42 of the Waqf Act 1995.

The subject matter was placed before the Board and the Board has passed a resolution in the ref. 14<sup>th</sup> read above, "It is unanimously resolved that to defer the matter and to place it in the subsequent Board meeting.

The matter was resubmitted before the Board in its meeting and the Board has passed a resolution in the ref. 15<sup>th</sup> read above, unanimously resolved to recognize the candidature of Janab Mirza Khader Baig, S/o. Rustum Baig as successor to the notified Muthawalli Janab Rusthum Baig at Sl. No.3 of the Gazette for the Towliath of Mutawalli of the institution of Asar-e-Shareef and its attached properties situated at Panyam Village and Mandal of Kurnool District U/sec. 42 of Waqf Act, 1995.

Accordingly, Janab Mirza Khader Baig, S/o. Rustum Baig is hereby recognized as Mutawalli in place of Janab Rustum Baig to the subject Waqf institution and its attached properties U/sec. 42 of Waqf Act, 1995 for managing the affairs of the subject Waqf Institution by following Waqf Act, 1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts, Budget, Income & Expenditure statements and pay Waqf fund properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3 (ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

**JANAB. L.ABDUL KHADIR,**  
*Chief Executive Officer (FAC),*  
*A.P. State Waqf Board,*  
*Vijayawada.*

To  
Janab Mirza Khader Baig,  
S/o. Rustum Baig,  
Mutawalli of Asar-e-Sharif,  
Panyam Village and Mandal, Nandyal District, (Through I.A..Waqf, Nandyal District.)

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